NOV. 16. 2004 5:09PM

6th FLR. MECH. & ELEC.

RECEIVED CENTRAL FAX CENTER

NO. 689

P 1

OBLON

SPIVAK

**McClelland** 

MAIER

NEUSTADT

P.Ç.

ATTORNEYS AT LAW

1940 DUKE STREET ALEXANDRIA, VIRGINIA 22314

(703) 413-9000 (703) 413-2220 FACSIMILE OBLONPAT@OBLON.COM WWW.OBLON.COM **FACSIMILE** 

NOV 1 6 2004

PLEASE CALL US AT (703) 413-3000 IF THE MESSAGE YOU RECEIVE IS INCOMPLETE OR NOT LEGIBLE

I hereby certify that this correspondence is being facsimile transmitted to:

Commissioner for Patents Alexandria, VA 22313-1450 (703) 872-9306

on Date: ///b/04

Signature:

Bradley D. Lytle

Total number of pages including this page: 51

Dept.: EM

By: BDL/dfd

OSMM&N File No.204684US6

Serial No. 09/761,961

In the matter of the Application of: Munetoshi MORIICHI, et al.

For: WRITING DEVICE

Due Date: N/A

■ Dep. Acct. Order Form

- Transmittal Cover
- Letter
- Appendices A-F

Unless otherwise indicated or obvious from the nature of the transmittal, the information contained in this facsimile message is attorney privileged and confidential information intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error or are not sure whether it is privileged, please Immediately notify us by telephone and return the original message to us at the above address via the U.S. Postal Service at our Expense. Thank You.

## RECEIVED CENTRAL FAX CENTER

NOV 1 6 2004

Docket No.: 204684US6

ORLON
SPIVAK
MCCLELIAND
MAIER
A
NEUSTADT
P.C.

ATTORNEYS AT LAW

COMMISSIONER FOR PATENTS ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 09/761,961

Applicants: Munetoshi MORIICHI, et al.

Filing Date: January 17, 2001 For: WRITING DEVICE Group Art Unit: 2653 Examiner: HUBER, P.

SIR:

Attached hereto for filing are the following papers:

## LETTER APPENDICES A-F

Our check in the amount of is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C.

Bradley D. Lytle

Registration No. 40,073

Customer Number 22850

(703) 413-3000 (phone) (703) 413-2220 (fax)

1940 DUKE STREET ALEXANDRIA, VIRGINIA 22314 U.S.A.
TELEPHONE: 703-413-3000 FACSIMILE: 703-413-2220 www.oblon.com

Docket No.: 204684US6

COMMISSIONER FOR PATENTS ALEXANDRIA, VIRGINIA 22313 OBLON
SPIVAK
MCCLELLAND
MAIER
A
NEUSTADT
P.C.

ATTORNEYS AT LAW

RE: Application Serial No.: 09/761,961

Applicants: Munetoshi MORIICHI, et al.

Filing Date: January 17, 2001 For: WRITING DEVICE Group Art Unit: 2653 Examiner: HUBER, P.

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Attached hereto for filing are the following papers:

## LETTER APPENDICES A-F

Our check in the amount of is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C.

Bradley D. Lytle

Registration No. 40,073

Customer Number

22850

(703) 413-3000 (phone) (703) 413-2220 (fax) **DOCKET NO: 204684US6** 

### IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

MUNETOSHI MORIICHI, ET AL.

: EXAMINER: HUBER, P.

SERIAL NO: 09/761,961

FILED: JANUARY 17, 2001

: GROUP ART UNIT: 2653

FOR: WRITING DEVICE

### LETTER

COMMISSIONER FOR PATENTS ALEXANDRIA, VIRGINIA 22313

SIR:

This Letter is in response to a telephone conversation of September 23, 2004 between Deborah Drake of our firm who is secretary to the undersigned and Examiner Paul Huber. The above-identified patent application has gone abandoned by alleged failure to pay the Issue Fee due on September 24, 2002. As discussed, the relevant facts appear to be as follows:

- 1. A Notice to Filing Missing Parts was mailed on February 28, 2001 to Charles P. Sammut, the previous attorney handling this application. The Declaration, executed by the Inventors, was filed on May 25, 2001 in the United States Patent and Trademark Office indicating that the appointed attorneys for Customer Number 022850 (i.e., our firm, "Oblon Spivak, McClelland, Maier & Neustadt, P.C.) were to prosecute the above-identified application on their behalf (Appendix A).
- 2. On December 16, 2002 (Appendix B) our firm filed a Status Request for First Office Action.

Application No. 09/761,90

3. On December 27, 2002 (Appendix C) our firm filed a Request for Withdrawal of Abandonment Based on Failure to Receive Notice of Allowance/Allowability.

- 4. On July 30, 2003 (Appendix D) our firm filed a Second Status Request for First Office Action.
- 5. On January 9, 2004 (Appendix E) JuaNita Smith of our law firm contacted Examiner Huber by telephone regarding the Request for Withdrawal of Abandonment Based on Failure to Receive Notice of Allowance/Allowability filed on December 27, 2002. Examiner Huber advised that we should refile the Request.
- 6. On January 23, 2004 the Request for Withdrawal of Abandonment Based on Failure to Receive Notice of Allowance/Allowability was faxed (Appendix F) again to the Commissioner of Patents.

At the request of Examiner Huber, the undersigned is providing this Letter and request that the file be ordered from Pubs – PTO File Maintenance Facility at Baileys X Roads. Examiner Huber indicated that he could not order the file from on line and would investigate other options to retrieve this file.

Accordingly, the Examiner is requested to contact the undersigned at 703-412-6489 regarding the retrieval of this file and the granting of the withdrawal of abandonment.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C.

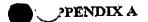
Customer Number 22850

Tel: (703) 413-3000 Fax: (703) 413 -2220 (OSMMN 06/04) Bradley D. Lytle Attorney of Record Registration No. 40,073

Due Date: N/A

Dept.: EM M&N File No. 204684US6 By: GJM:cto Serial No. 09/761,961 In the matter of the Application of: Munetoshi MORIICHI, et al. WRITING DEVICE For: The following has been received in the U.S. Patent Office on the date stamped hereon: pp. Specification & Claims/Drawings □ Combined Declaration, Petition & Power of Attorney pages ☐ List of Inventor Names and Addresses Utility Patent Application □ CPA Notice of Priority □ Priority Doc ■ Check for \$40.00 □ Dep. Acct. Order Form ☐ Fee Transmittal Form Assignment/PTO 1595 pages ☐ Letter to Official Draftsman ☐ Letter Requesting Approval of Drawing Changes Drawings sheets @ Formal □ Letter □ Amendment □ Information Disclosure Statement □ PTO-1449 □ Cited References ☐ Search Report □ Statement of Relevancy □ Cited Pending □ IDS/Related/List of Related Cases **Applications** □ Restriction Response □ Election Response ☐ Rule 132 Declaration D Petition for Extension of Time □ Notice of Appeal □ Brief ☐ Issue Fee Transmittal

White Advance Serial Number CardSmall Entity Status is Claimed





OBLON SPIVAK McCleliand MATER NEUSTADT

ATTORNEYS AT LAW

GREGORY J. MAIER (703) 413-3000 GMAIER@OBLON.COM

ATTN: APPLICATION BRANCH

### THIS IS A RESPONSE TO A NOTICE TO FILE MISSING PARTS OF AN APPLICATION

ASSISTANT COMMISSIONER FOR PATENTS WASHINGTON, D.C. 20231

Re:

Inventor:

Munetoshi MORIICHI, et al.

Serial No:

09/761,961

Filed:

January 17, 2001

For:

WRITING DEVICE

SIR:

Attached hereto for filing are the following papers:

Petition for Extension of Time (1 Month) Notice to File Missing Parts Filing of Declaration/Declaration

Our check in the amount of \$950.00 is attached covering any required fees. In the event that any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 CFR 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 CFR 1.136 for the necessary extension of time. A duplicate of this sheet is enclosed.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C.

Docket No.

204684US6

Tel. (703) 413-3000 Fax. (703) 413-2220 (OSMMN 10/98)

Gregory J. Maier 25,599 Registration No.

1755 JEFFERSON DAVIS HIGHWAY ■ FOURTH FLOOR ■ ARLINGTON, VIRGINIA 22202 ■ U.S.A. TELEPHONE: 703-413-3000 ■ FACSIMILE: 703-413-2220 ■ WWW.OBLON.COM

6th FLR. MECH. & ELEC. NOV. 16. 2004 5:13PM APPENDIX B Dept.: Admin OSMM&N File No. 204684US6 By: GJM/E/M/srb Serial No. 09/761,961 In the matter of the Application of: Munetoshi MORIICHI, et al. For. WRITING DEVICE Due Date: The following has been received in the U.S. Patent Office on the date stamped hereon ■ STATUS REQUEST - FIRST OFFICE ACTION



RECEIVED **CENTRAL FAX CENTER** 

NOV 1 6 2004

DOCKET NO. 204684US6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Munetoshi MORIICHI, et al.

: GROUP: 2818

SERIAL NUMBER: 09/761,961

FILED: January 17, 2001

FOR: WRITING DEVICE

### STATUS REQUEST

Honorable Commissioner of Patents & Trademarks Washington, D.C. 20231

SIR:

The Patent Office is respectfully requested to advise the undersigned of the approximate date a first Official Action will be issued in this Application.

A duplicate of this request and a prepaid return envelope are enclosed for your convenience.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C.

Gregory J. Maier Attorney of Record Registration No. 25,599



22850

(703) 413-3000 Fax: (703) 413-2220

### APPENDIX C

Dept.: E/M

By: GJM/deh

Serial No. 09/761,961

JOSMM&N File No. <u>204684US6</u>

Lin the matter of the Application of: Munetoshi MORIICHL et al.

For: WRITING DEVICE

Due Date: 12-30-02

The following has been received in the U.S. Patent Office on the date stamped here

- Request for Withdrawal of Holding of Abandonment Based on Failure to Recei Notice of Allowance/Allowability
- ✓■ Copy of Notice of Abandonment dated October 30, 2002
- Copy of Computer Mail Log Printout (June 24, 2002 through July 8, 2002)
- Copy of Hard Copy from Computer Docketing System
- ∠ Letter (cover)

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Technology Center 2600

OBLON SPIVAK

McCLELLAND

MAIER

NEUSTADT

P.C.

ATTORNEYS AT LAW

GREGORY J. MAIER (703) 413-3000 GMAIER@OBLON.COM

Docket No.: 204684US6

ASSISTANT COMMISSIONER FOR PATENTS WASHINGTON, D.C. 20231

RE: Application Serial No.: 09/761,961

Applicants: Munetoshi MORIICHI, et al.

Filing Date: January 17, 2001 For: WRITING DEVICE Group Art Unit: 2653

Examiner: HUBER, Paul W.

SIR:

Attached hereto for filing are the following papers:

REQUEST FOR WITHDRAWAL OF HOLDING ABANDONMENT BASED ON FAILURE TO RECEIVE NOTICE OF ALLOWANCE/ALLOWABILITY COPY OF NOTICE OF ABANDONMENT DATED OCTOBER 30, 2002 COPY OF HARD COPY FROM COMPUTER DOCKETING SYSTEM COPY OF COMPUTER MAIL LOG PRINTOUT (JUNE 24, 2002 THROUGH JULY 8, 2002

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C.

Gregory J. Maier

Registration No. 25,599

22850

(703) 413-3000 (phone) (703) 413-2220 (fax)

H:\PET WTH ABAN\204684US FAILURE PAY IF&RECEIVE NOA.DOC

1755 JEFFERSON DAVIS HIGHWAY FOURTH FLOOR ARLINGTON, VIRGINIA 22202 U.S.A. TELEPHONE: 703-413-3000 FACSIMILE: 703-413-2220 WWW.OBLON.COM

NO. 689 P. 18

RECEIVED CENTRAL FAX CENTER

NOV 1 6 2004

204684US6

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Munetoshi MORIICHI, et al.

: EXAMINER: HUBER, Paul W.

SERIAL NO: 09/761,961

: GROUP ART UNIT: 2653

FILED: JANUARY 17, 2001

TITLE: WRITING DEVICE

## REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE NOTICE OF ALLOWADILITY

Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

Responsive to the Notice of Abandonment dated October 30, 2002, Applicants, through Counsel of record, respectfully request that the holding of abandonment for the above-identified application be withdrawn due to the fact that the Notice of Allowance/Allowability mailed by the U.S. Patent and Trademark Office on June 24, 2002, was not received by Applicant's Attorney. The facts concerning this matter are as follows:

Upon receipt of the mail from the Patent Office in this firm, all mail is opened and logged in a daily computer mail log. All mail received from the Patent Office is logged in the mail log by serial number or patent number, along with a description of the mail received. At the time of entry into the computer, the serial numbers are checked to ensure that the correct docket number appears on the mail so that the documents are entered in the correct application in the computer

2

and matched with the correct application file. Any due dates resulting from the Patent Office mail are entered in the computer.

After receiving the Notice of Abandonment, our computer system was checked. The computer Patent Due Dates section for the subject application did not show a current due date for the Issue Fee, nor did it show receipt of the Notice of Allowance/Allowability (see attached computer printouts). The Patent Office computerized Mail Log was then checked. Mail from the Patent Office is generally received by our firm within two to three days of mailing; however, to ensure a complete check, the daily mail log was searched from June 24, 2002 through July 8, 2002 and found to contain no record of having the Notice of Allowance/Allowability for the above-identified application.

The application file was then pulled and the full contents of the file were reviewed. The application file contained no Notice of Allowance/Allowability.

It is believed that the above discussion and documents enclosed herewith clearly prove that abandonment of this application is deemed unavoidable due to non-receipt of the Notice of Allowance/Allowability, and therefore, the holding of abandonment was issued in error.

Accordingly, it is requested the holding of abandonment be withdrawn and that the Notice of Allowance/Allowability be reissued in the present application.



3

The undersigned petitioner declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C.

Gregory J. Maier Registration No. 25,599 Attorney of Record

22850

Tel: (703) 413-3000 Fax: (703) 413-2220

GJM//dgh

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NO. 689 P. 21



### United States Patent and Trademark Office

			• •	
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,961	01/17/2001	Muneroshi Moriichi	204684US6	5888
75	590 10/SQ/2002			
Charles P. Sar	nmut		EXAMI	NER
Attorney at Lav 350 Woodside			HUBER, P	AUL W
Mill Valley, CA	94941-3822	•	ART UNIT	PAPER NUMBER
			2653	47
			DATE MAILED: 10/30/2002	ρ#1

Please find below and/or attached an Office communication concerning this application or proceeding.

MECEIVED: /d/2000 OBLON, SPIVAK, MCUSLUAND MAIER & NEUSTADT, P.C.

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Type of Kesp(s):

PTO-90C (Rev. 07-01)



NO. 689 P. 22

## UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/761, 961			
			EXAMINER
			ART UNIT PAPER NUMBER
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,		DATE	MAII ED-

	DATE MAILED:
	NOTICE OF ABANDONMENT
Πhi	s application is abandoned in view of:
$\Box$	Applicant's failure to timely file a proper response to the Office letter malled on,
	A response (with a Certificate of Mailing or Transmission of) was received on, which is after the expiration of the period for response (including a total extension of time of, which expired on,
	A proposed response was received on, but it does not constitute a proper response to the final rejection.
	(A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FIVC).
	☐ No response has been received.
₹′	Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.
	☐ The issue fee (with a Certificate of Mailing or Transmission of) was received on
	The submitted issue fee of \$ is insufficient. The issue fee required by 37 CFR 1.18 is \$
	The issue fee has not been received.
	Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.
	Proposed new formal drawings (with a Certificate of Mailing or Transmission of) were received on
	The proposed new formal drawings filed are not acceptable.
	☐ No proposed new formal drawings have been received,
]	The express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on
)	The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
	The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a) upon the filing of a continuing application.
3	The decision by the Board of Patent Appeals and Interferences rendered on and because the period for seeking court review of the decision has expired and there are no allowed claims.
]	The reason(s) below:  ABANDONMENT  CONTACT PERSON IS:
ORM	TOM HAWKINS 305-8380

PAGE 22/52 \* RCVD AT 11/16/2004 5:09:19 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-1/4 \* DNIS:8729306 \* CSID:7034132220 \* DURATION (mm-ss):15-26

09/761.961

APPENDIX C



Country: United States of America

Page 1 of 2

Case ID: 204684-US

Docket Number: 204684US-6541-6541-6

Case Type: NAT.US.P - U.S. Patent (with priority)

Status Desc: Keyword:

Title: WRITING DEVICE

pplication Number: 09/761,961

Filing Date: 01/17/2001

Group Number: 2653

PCT Number:

PCT Filing Date:

Issue Date: 00/00/0000

Expiration Date: 00/00/0000

Publication A Date: 00/00/0000

rm Ext / Adj Days: 0

Family Number: 204684 Last Updated By: LJGOO

Created By: CVT. (SONY)

xfer in Date: 03/01/2001

Effective US Filing Date: 01/17/2001

Interference Number:

Section: Elec/Mech

Previous Docket: T1026

Case Status: Pending -

Bill Matter Number:

Patent Number:

Tax Schedule: Large

Prev. Short Docket: Publication A #:

Appeal No:

Last Updated Date: 03/28/2001

Created Date: 03/12/2001

xfer out Date: 00/00/0000

DS Related Cases: nior Party Name: nior Party Name:

Remarks: Transferred in from LIMBACH & LIMBACH LLP 3/01/01

Status Reg - 1st OA 12/16/02

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3llent Ref: S01P0026US00

Name: SONY CORPORATION

Name: SONY CORPORATION

Name: SONY CORPORATION

Name: SONY CORPORATION

Role: Correspondence Client

Role: Assignee

Role: Dkt No Assignee/Applicant

Role: Primary Billing Client

VENTORS

Official Name

BAMBA Mitsuyuki

MORIICHI Munetoshi

SASAKI Takashi

RIORITIES

plication Number

Country

Date Filed

100-017889

Japan

01/24/2000

ITTORNEYS

IJМ

Maier, Gregory J. (Responsible Attorney)

Elec/Mech Department, - . (Working Attorney) УM

SSIGNMENTS

Description:

Executed Date: 00/00/0000

Reel Number: 011845

Frame Number: 0663

Record Date: 05/25/2001

Assignment Filed Date: 05/25/2001

**ASSIGNMENT PARTIES** 

Client ID

Name

Percentage

Assignor

777777

Inventors

100

**Assignee** 

6541

SONY CORPORATION

100

**UE DATES** 

Due Date Description: Application Due Priority

Date Due: 01/24/2001 Indicator: Due Date

Date Cleared: 01/17/2001

Cleared W/O Action: No

Due Date Description: OFR Royd

Date Due: 04/17/2001 Indicator: Status Check

Date Cleared: 02/28/2001

Cleared W/O Action: No

Due Date Description: Declaration Due (1st)

Date Due: 05/28/2001 Indicator: Due Date

Date Cleared: 05/25/2001

Cleared W/O Action: No

Due Date Description: Fee Due w/Decl (1st)

Date Due: 05/28/2001 Indicator: Due Date

Date Cleared: 05/25/2001

Cleared W/O Action: No

due Date Description: F/U on Aband

Date Due: 12/30/2002 Indicator: Due Date

Date Cleared: 00/00/0000

Cleared W/O Action: No

lue Date Description: F/U on 1st OA Status

Date Due: 03/31/2003 Indicator: Status Check

Date Cleared: 00/00/0000

Cleared W/O Action: No

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### APPENDIX D

QSMM&N File No. 204684US6

Dept.: Admin

By: GJM/E/M/stb

n the morter of the Application of: Munetoshi MORIICHI, et al.

Due Date:

The following has been received in the U.S. Patent Office on the date stamped hereon:

■ SECOND STATUS REQUEST - FIRST OFFICE ACTION





DOCKET NO. 204684US6 ... ...

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Munetoshi MORIICHI, et al.

GROUP: 2818

SERIAL NUMBER: 09/761,961

FILED: January 17, 2001

FOR: WRITING DEVICE

SECOND REQUEST

### STATUS REQUEST

Honorable Commissioner of Patents & Trademarks Washington, D.C. 20231

The Patent Office is respectfully requested to advise the undersigned of the approximate date a first Official Action will be issued in this Application.

A duplicate of this request and a prepaid return envelope are enclosed for your convenience.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C.

22850

Gregory J. Maier Attorney of Record Registration No. 25,599

Surinder Sachar Registration No. 34,423

(703) 413-3000 Fax: (703) 413-2220

### APPENDIX E



**MEMORANDUM** 

ATTORNEYS AT LAW 1940 DUKE STREET ALEKANDRIA, VEIGINIA 22314 USA (703) 412-3000 (703) 413-2220 PACSIMILE OBLONPATEROBLON.COM PATENT, TRADEMARK AND COPYRIGHT LAW AND RELATED FEDERAL AND ITC LITIGATION

TO: Arlene Huff

FROM: JuaNita Smith

DATE: January 9, 2004

RE: 204684US-6541-6541-6

Per my conversation with Examiner Paul Huber regarding the above-identified application, the Petition to W/D Holding of Abandonment filed December 27, 2002, has not been matched with the file and therefore needs to be re-filed. Also, fax the complete filing to Examiner Huber at (703) 746-5973, so that he can act on this matter immediately.

Thank you.

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Attachment: File (204684US)

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### MEMO TO FILE - TELEPHONE DISCUSSION

DOCKET NO. 20468443/09/761,961

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ATTORNEYS AT LAW

1940 DUKE STREET ALEXANDRIA VIRGINIA 22514

(709) 413-8000 (709) 413-2220 FACSIMILE

OBLONPAT@OBLON.COM WWW.OBLON.COM

APPENDIX F.



F	AC	SI	М	ILE
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I hereby certify that this correspondence is being facsimile transmitted to:

Commissioner for Patents Alexandria, VA 22313-1450 (703) 872-9306

on Date:

Signature:

Bradley D. Lytle

NO. 689

Total number of pages including this page: 16

OSMM&N File No. 204684US6

Serial No. 09/761,961

In the matter of the Application of: Munetoshi MORIICHI, et al.

For: WRITING DEVICE

Dept.: E/M By: BDL/deb

Due Date: N/A

■ Copy of Date-Stammed Filing Receipt dated December 27, 2002 Evidencing Filing of a Request for Withdrawal of Holding of Abandonment

- Copy of PTO-Cover Letter
- Copy of Request for Withdrawal of Holding of Abandonment Based on Failure to Receive the Notice of Allowance/Allowability
- Copy of Notice of Abandonment dated October 30, 2002
- Copy of Hard Copy from Computer Docketing System
- Letter (cover)

Copy of Computer mail log printout (June 24, 2002 through July 8, 2002

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OBLON SPIVAK McClelland

MATER NEUSTADT

ATTORNEYS AT LAW

BRADLEY D. LYTLE (703) 412-6489

BLYTLE@OBLON.COM

Docket No.: 204684US6

COMMISSIONER FOR PATENTS ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 09/761,961

Applicants: Munetoshi MORIICHI, et al.

Filing Date: January 17, 2001 For: WRITING DEVICE Group Art Unit: 2653 Examiner: HUBER, Paul W.

SIR:

Attached hereto for filing are the following papers:

COPY OF DATE-STAMPED FILING RECEIPT DATED DECEMBER 27, 2002 EVIDENCING FILING OF A REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT COPY OF PTO-COVER LETTER

COPY OF REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE THE NOTICE OF ALLOWANCE/ALLOWABILITY COPY OF NOTICE OF ABANDONMENT DATED OCTOBER 30, 2002 COPY OF HARD COPY FROM COMPUTER DOCKETING SYSTEM

COPY OF COMPUTER MAIL LOG PRINTOUT (JUNE 24, 2002 THROUGH JULY 8, 2002 Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C.

Customer Number

22850

(703) 413-3000 (phone) (703) 413-2220 (fax)

Bradley D. Lytle Registration No. 40,073

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1940 DUKE STREET ALEXANDRIA, VIRGINIA 22314 U.S.A. TELEPHONE: 703-413-3000 FACSIMILE: 703-413-2220 WWW.OBLON.COM



JOSMM File No. 204684US6

Dept.: E/M

By: GJM/deh

Serial No. 09/761,961

In the matter of the Application of: Munetoshi MORIICHI, et al.

For: WRITING DEVICE

Due Date: 12-30-02

The following has been received in the U.S. Patent Office on the date stamped here

- Request for Withdrawal of Holding of Abandonment Based on Failure to Recei Notice of Allowance/Allowability
- Copy of Computer Mail Log Printout (June 24, 2002 through July 8, 2002)
- Copy of Hard Copy from Computer Docketing System
- Letter (cover)

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DEC 2 7 2002

Technology Center 2600

OBLON SPIVAK

McClelland

MAIER

NEUSTADY

RC.

ATTORNEYS AT LAW

GREGORY J. MAIER (703) 413-3000 GMAIER@OBLON.COM

Docket No.: 204684US6

ASSISTANT COMMISSIONER FOR PATENTS WASHINGTON, D.C. 20231

RE: Application Serial No.: 09/761,961

Applicants: Munetoshi MORIICHI, et al.

Filing Date: January 17, 2001 For: WRITING DEVICE Group Art Unit: 2653 Examiner: HUBER, Paul W.

SIR:

Attached hereto for filing are the following papers:

REQUEST FOR WITHDRAWAL OF HOLDING ABANDONMENT BASED ON FAILURE TO RECEIVE NOTICE OF ALLOWANCE/ALLOWABILITY COPY OF NOTICE OF ABANDONMENT DATED OCTOBER 30, 2002 COPY OF HARD COPY FROM COMPUTER DOCKETING SYSTEM

COPY OF COMPUTER MAIL LOG PRINTOUT (JUNE 24, 2002 THROUGH JULY 8, 2002

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND, MAJER & NEUSTADT, P.C.

Gregory J. Maier

Registration No. 25,599

(703) 413-3000 (phone) (703) 413-2220 (fax)

H: PET WTH ABAN 204684US FAILURE PAY IF&RECEIVE NOA.DOC

1755 JEFFERSON DAVIS HIGHWAY FOURTH FLOOR ARLINGTON, VIRGINIA 22202 U.S.A. Telephone: 703-413-3000 FACSIMILE: 703-413-2220 WWW.OBLON.COM



204684US6

NOV 1 6 2004

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Munetoshi MORIICHI, et al.

: EXAMINER: HUBER, Paul W.

SERIAL NO: 09/761,961

: GROUP ART UNIT: 2653

FILED: JANUARY 17, 2001

TITLE: WRITING DEVICE

## REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE NOTICE OF ALLOWANCE/ALLOWABILITY

Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

Responsive to the Notice of Abandonment dated October 30, 2002, Applicants, through Counsel of record, respectfully request that the holding of abandonment for the above-identified application be withdrawn due to the fact that the Notice of Allowance/Allowability mailed by the U.S. Patent and Trademark Office on June 24, 2002, was not received by Applicant's Attorney. The facts concerning this matter are as follows:

Upon receipt of the mail from the Patent Office in this firm, all mail is opened and logged in a daily computer mail log. All mail received from the Patent Office is logged in the mail log by serial number or patent number, along with a description of the mail received. At the time of entry into the computer, the serial numbers are checked to ensure that the correct docket number appears on the mail so that the documents are entered in the correct application in the computer

and matched with the correct application file. Any due dates resulting from the Patent Office mail are entered in the computer.

After receiving the Notice of Abandonment, our computer system was checked. The computer Patent Due Dates section for the subject application did not show a current due date for the Issue Fee, nor did it show receipt of the Notice of Allowance/Allowability (see attached computer printouts). The Patent Office computerized Mail Log was then checked. Mail from the Patent Office is generally received by our firm within two to three days of mailing; however, to ensure a complete check, the daily mail log was searched from June 24, 2002 through July 8, 2002 and found to contain no record of having the Notice of Allowance/Allowability for the above-identified application.

The application file was then pulled and the full contents of the file were reviewed. The application file contained no Notice of Allowance/Allowability.

It is believed that the above discussion and documents enclosed herewith clearly prove that abandonment of this application is deemed unavoidable due to non-receipt of the Notice of Allowance/Allowability, and therefore, the holding of abandonment was issued in error.

Accordingly, it is requested the holding of abandonment be withdrawn and that the Notice of Allowance/Allowability be reissued in the present application.

3

The undersigned petitioner declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C.

Gregory J. Maier Registration No. 25,599 Attorney of Record

22850

Tel: (703) 413-3000 Fax: (703) 413-2220

GJM//dgh

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6. 2004 D: ZUPW

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address CONGESCORE OF PATENTS AND TRADEMARKS Washington, D.C. SUCI

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Charles P. Sa Attorney at La			EXAMI	VER.
350 Woodside			HUBER, P	AUL W
		•	ART UNIT	PAPER NUMBER
		•	2653	
		•	DATE MAILED: 10/30/2002	p:#7

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED: 2300 OBLON, SPIVAK, MCCI ELLAND MAIER & NEUSTADT, P.C.

POCKETING D Initials/Date Duckeseg:

Type of Resp(s)

PTO-90C (Rev. 07-01)





## UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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		L	EXAMINER
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	NOTICE OF ABANDONMENT
1	nis application is abandoned in view of:
]	Applicant's fallure to timely file a proper response to the Office letter mailed on
	A response (with a Certificate of Mailing or Transmission of) was received on, which is after the expiration of the period for response (including a total extension of time ofmonth(s)) which expired on
	A proposed response was received on, but it does not constitute a proper response to the final rejection.
	(A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC).
	☐. No response has been received,
2	Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.
	☐ The issue fee (with a Certificate of Mailing or Transmission of) was received on
	The submitted issue fee of \$ is insufficient. The issue fee required by 37 CFR 1.18 is \$
	The Issue fee has not been received.
ן	Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.
	Proposed new formal drawings (with a Certificate of Mailing or Transmission of) were received on) were
	☐ The proposed new formal drawings filed are not acceptable.
	☐ No proposed new formal drawings have been received.
]	The express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on
]	The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
כ	The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37'CFR 1.34(a) upon the filing of a continuing application.
]	The decision by the Board of Patent Appeals and Interferences rendered on and because the period for seeking court review of the decision has expired and there are no allowed claims.
	The reason(s) below:  ABANDONMENT
	CONTACT PERSON IS:
PM I	PTO-1432 (REV, 1045)  TOM HAWKINS

305-8380

Country: United States of America

26/2002

Case ID: 204684-US

Docket Number: 204684US-6541-6541-8

Case Type: NAT.US.P - U.S. Patent (with priority)

Status Desc:

Keyword:

Title: WRITING DEVICE

plication Number: 09/761,961

Filing Date: 01/17/2001

Group Number: 2653

PCT Number:

**PCT Filing Date:** 

Issue Date: 00/00/0000

Expiration Date: 00/00/0000 ublication A Date: 00/00/0000

m Ext / Adj Days: 0

Family Number: 204684

Last Updated By: LJGOO

Created By: CVT. (SONY)

Effective US Filing Date: 01/17/2001

Interference Number:

Section: Elec/Mech

Previous Docket: T1026

Case Status: Pending

Bill Matter Number; Patent Number:

Tax Schedule: Large

Prev. Short Docket: Publication A#;

Appeal No:

Last Updated Date: 03/28/2001

Created Date: 03/12/2001

xfer in Date: 03/01/2001 xfer out Date: 00/00/0000

ior Party Name: ior Party Name:

XS Related Cases:

Remarks: Transferred in from LIMBACH & LIMBACH LLP 3/01/01

Status Req - 1st OA 12/16/02

**IENT ROLES** 

Client ID: 6541

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lent Ref: S01P0026US00

Name: SONY CORPORATION

Role: Dkt No Assignee/Applicant

Name: SONY CORPORATION

Role: Assignee

Name: SONY CORPORATION

Role: Correspondence Client

Name: SONY CORPORATION Role: Primary Billing Client

/ENTORS

Official Name

BAMBA Mitsuyuki

MORIICHI Munetoshi

SASAKI Takashi

NORITIES

dication Number

Country

Date Filed

10-017889

Japan

01/24/2000

NO. 689

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**IRD COPY - Patents** 

APPENDIX F

DGHOD

26/2002

09/761,961

Page 2 of 2

**ITORNEYS** 

Maier, Gregory J. (Responsible Attorney)

Elec/Mech Department, - . (Working Attorney)

SSIGNMENTS

Description:

Executed Date: 00/00/0000

Reel Number: 011845

Frame Number: 0663

Record Date: 05/25/2001

ssignment Filed Date: 05/25/2001

**ASSIGNMENT PARTIES** 

Role

Client ID

Name Inventors Percentage

Assignor

777777

100

Assignee

6541

SONY CORPORATION

100

**JE DATES** 

ie Date Description: Application Due Priority

Date Due: 01/24/2001 Indicator: Due Date

Date Cleared: 01/17/2001

Cleared W/O Action: No

ie Date Description; OFR Royd

Date Due: 04/17/2001 Indicator: Status Check

Date Cleared: 02/28/2001

Cleared W/O Action: No

re Date Description: Declaration Due (1st)

Date Due: 05/28/2001 Indicator: Due Date

Date Cleared: 05/25/2001

Cleared W/O Action: No

ie Date Description: Fee Due w/Dect (1st)

Date Due: 05/28/2001 Indicator: Due Date

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	8,475,956	2565年6年41868月4749970年近259年4年4月	6,471,983	6,495,639	6,495,257	6,496,796	6,482,367	6,479,577	0,4/9,509	0,476,108			0,700,003	2,47 C,U12	8 473 070		6,473,385		5,486.240	8,480,209	6,479,709	6,477,158	6,495,365	D,467,805	D,467,804		6,476,639	0,4/6,/59	6,472,012	0,4/2,//4	2 470	0,472,093	8 473 600	8 /76 /42	
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6,472,692	\$1.25 0000 <b>5,473,25</b> 7 19,000 19	6,492,298	6,484,887	6,501,208	6,472,105	6,461,485	6,486,863	6,471,962	6,467,978	6,477,347		6,465,335	6,467,513	6,476,948		6,480,732	6,464,898	6,474,137	6,465,860	6,492,029			6,492,623	6,501,037	6,473,423	6,473,588	6,479,084	8,469,091	6,476,836	6,475,248	8,472,691	6,476,429	
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